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Date: November 8, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YAMAMOTO et al.

Art Unit: 2768

Serial No.: 09/221,656

Filed: December 23, 1998

Examiner: F. Poinvil

Title: PRODUCTION SYSTEM FOR RETAIL GOODS AND A RAW MATERIAL ORDERING SYSTEM

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the outstanding Office Action issued on July 16, 2001, the period for response to which has been extended by the enclosed Petition for One Month Extension of Time, please reconsider the above-identified application in view of the following remarks.

Claims 8-73 are pending in this application.

Claims 33-71 were again rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kawashima (USP 5,168,445) in view of Rembert (USP 5,101,352). Claims 8-32 and 51 were again rejected under 35 USC Section 103(a) as being unpatentable over Kawashima et al. and Rembert further in view of Beasley et al. (U.S. Patent No. 4,827,423). Applicants respectfully traverse these rejections.

In maintaining the above-identified prior art rejections, the Examiner stated that

"a production unit or manufacturing unit usually receives a type and quantity of goods to produce as would be determined by a controller: Applicant is referred to the combined teachings in the prior Office Action. Quantity to produce are based on marketing, potential demands and quantity that are usually sold based on inventory and/or forecast analysis."

Referring to the combined teachings of the prior Office Action dated March 21, 2000, the Examiner alleged that Kawashima teaches the step of determining a production quantity of the good based on the predicted future demand and an order amount which is equivalent to the claimed "production quantity" based on the predicted future demand. The Examiner referred to the abstract and column 4, lines 44-56 of Kawashima.

First of all, the Examiner's statements quoted above and the conclusions based on the Examiner's allegations based on the teachings of Kawashima clearly ignore and mischaracterize the clear features of Applicants' claimed invention. The Examiner is reminded of Applicants' claimed method steps including:

> "collecting sales information about products sold at a plurality of point of sales terminals;
>
> transmitting the sales information to a production size determining unit;
>
> executing a computer program at the production size determining unit to determine a production quantity of the products to be produced in the future based on the sales information collected from the point of sales terminals and to generate output data indicative of the production quantity determined at the production size determining unit;
>
> transmitting the output data indicative of the production quantity determined at the production size determining unit to a flexible manufacturing controller which is operatively connected to the production size determining unit; and
>
> manufacturing the production quantity of the products based on the sales information data collected at the plurality of point of sales terminals and in accordance with the output data indicative of the production quantity from the production size determining unit and controlling the manufacturing of the production quantity of the products via the flexible manufacturer controller and based on and in response to receiving the transmission of the production quantity determined by the production size determining unit."

At most, Kawashima teaches transmitting sales information from POS terminals to a retail goods order quantity determining unit. Kawashima does not teach Applicants' claimed step of transmitting sales information from POS terminals to a production size determining unit to determine a production quantity of goods to be manufactured, in contrast to a quantity of goods to be ordered from a manufacturer. Simply put, Kawashima teaches a completely different step and also completely fails to teach or suggest Applicants' claimed step noted above. None of the other prior art references teaches or suggests this step.

In fact, Kawashima and the other prior art references relied upon by the Examiner clearly teach away from Applicants' claimed invention since Kawashima clearly teaches that the POS data should be sent to a finished goods ordering system that generates an order slip containing an order quantity for a plurality of different products, which order slip is then sent to a manufacturing facility. The deficiencies of the other prior art references are discussed in more detail below.

As is clearly described in the specification of the Kawashima patent, the retail goods ordering system operates to "determine the order amount of each good and automatically deliver an order slip" and for "delivering an order slip 18." See column 3, line 6 and Column 3, line 26 of Kawashima. The order slip 18 is shown in Figure 12 and is used by "an inventory control caretaker as an order command." See Column 9, line 27-30 of Kawashima.

The order slip generated by the system of Kawashima is NOT the "production quantity" recited in Applicants' claims. As seen in Fig. 12 of Kawashima, the order slip 18 that is generated by the system merely includes an order quantity for each item of goods being sold at a retail shop. The order quantity contained on the slip 18 cannot be considered to be a production quantity of the products to be manufactured. If this were true, that would mean a manufacturing facility would manufacture the exact number of each of the different products contained on the order slip when the slip is received at the manufacturing facility. Since the order slips are issued daily in the system of Kawashima, that would mean a manufacturing facility would be manufacturing the ordered quantity of goods for one particular retail shop each day based on a single

order slip received daily. That is clearly not the case with the system of Kawashima.

The order slip generated by the system of Kawashima merely contains an order quantity that is not a production quantity, but instead is simply an amount that is ordered by a retail shop and to be manufactured and supplied to the retail shop by an independent and completely separate manufacturer, in a manner that is determined completely independently by the manufacturer based on a plurality of sales orders received from various retail shops, NOT based on sales data from point of sales terminals. Note in Column 5, line 47 through Column 6, line 31 of Kawashima, it is described that with the Kawashima system, it is sometimes necessary for a "worker" to change the order amount of goods because of errors in the ordered amount, BEFORE the order slip is given to the supplier of the ordered goods. Note the sentence that reads "It may of course be conceivable to request correction of errors in the order amounts but the order once given to a supplier is difficult to correct." See Column 6, lines 15-17. Thus, this proves that ONLY sales orders of finished products required to replenish sold inventory is transmitted to a production quantity determining unit and manufacturing unit in the system of Kawashima.

Also, it is quite clear from the specific description of Kawashima that the transmission of the order slip from the retail shop to the manufacturer occurs in a conventional manner such that the manufacturer receives numerous order slips from various unrelated retail shops, and then, the manufacturer independently and separately from the retail entities, determines what the production quantity of goods to be manufactured on a given day is, based on all of the different sales orders, and NOT based on any data transmitted from point of sales terminals.

Thus, the order slip in Kawashima art is clearly not a production quantity as defined in the claims but instead is an amount of finished goods/products to be ordered from a manufacturing plant and shipped to a sales outlet such as the retail shop described in Kawashima.

There is absolutely no teaching or suggestion in the prior art of a system that uses POS data for determining a production quantity and flexibly manufactures the determined production quantity of a plurality of goods to be sold at a plurality of sales

outlets.

As noted above, Kawashima is only concerned with generating a sales order slip to be sent in a conventional manner to a manufacturing facility for replenishment of products/goods sold in a single retail shop. The Examiner alleged that the system of Kawashima could be used for more than one retail shop. Even assuming *arguendo* that the system of Kawashima could be modified to generate a sales order slip for a plurality of retail shops, Kawashima still clearly fails to teach or suggest the step of "transmitting the sales information to a production size determining unit" and Applicants' claimed combination including the step of determining a production quantity to be manufactured based on the sales information received from the POS terminals. Instead, Kawashima clearly teaches away from Applicants' claimed combination since Kawashima teaches that sales information from POS terminals must be sent to a finished goods/products sales order quantity determining unit which generates an order slip to be sent to a supplier/manufacturer, and such supplier/manufacturer independently determines a production quantity of goods to be manufactured based on order slips received from various retail shops, NOT data from POS terminals.

The secondary prior art references of Rembert and Beasley not only fail to remedy the deficiencies of Kawashima, but these two secondary prior art references reinforce the clear teaching away from Applicants' claimed combination that is also present in Kawashima.

Rembert teaches an MRP system that determines the raw materials and a manufacturing schedule required to manufacture goods that are ordered by customers. The Rembert system operates based on receiving a "customer order, purchase order, or work order" and based on the received orders, determining an appropriate manufacturing and raw materials supply schedule so as to satisfy the customers' orders. More specifically, the Rembert system includes a "Sales Order Entry 22" at which a user manually enters sales orders received from customers. Based on the customers orders input to the system, a Sales and Production Plan is generated and raw materials supply and manufacturing is scheduled so as to produce the finished goods ordered by the customers.

Thus, Rembert clearly teaches a system in which production size is determined based on customers orders that are conventionally transmitted in the form of sales order slips produced by a system such as that of Kawashima. Rembert completely fails to teach or suggest a system in which production size is determined from sales information collected from the point of sales terminals at retail outlets and transmitted to a production size determining unit. Further, Rembert clearly teaches a system in which ONLY sales orders are transmitted from retail outlets and customers to the supplier/manufacturer.

Similarly, Beasley teaches a manufacturing unit located at a manufacturing plant that includes computers for determining a production quantity to be manufactured based on orders received from customers and then manufacturing that determined production quantity. The portion of the patent to Beasley cited by the Examiner merely teaches that a computer is used to store customer sales order information, received from sales orders slips such as those produced by the system of Kawashima, that can be updated periodically as new customers' sales information is entered so as to allow the manufacturing production quantity determining system to take into account all sales orders before making a final manufacturing plan. This clearly reinforces the fact that each of the prior art references teaches that the manufacturing plan is based on retail sales orders that are conventionally transmitted, and is not based on information transmitted from point of sale terminals to a production quantity determining unit.

Thus, Beasley, like Rembert, teaches a manufacturing system that determines a production quantity to be manufactured based on customers' sales orders received from a plurality of independent, separate customers. As with Rembert, ONLY sales orders are transmitted from retail outlets and customers and a production quantity is determined from the sales orders and NOT from any sales data received from point of sale terminals located retail outlets.

Thus, there is absolutely no teaching or suggestion whatsoever in the prior art references, whether applied alone or in combination, of Applicants' claimed combination including the steps of transmitting the **sales information (not sales orders) to a production size determining unit**, executing a computer program at the production

size determining unit to determine a production quantity of the products to be produced in the future **based on the sales information collected from the point of sales terminals (not based on sales orders)** and to generate output data indicative of the production quantity determined at the production size determining unit, and manufacturing the production quantity of the products **based on the sales information data collected at the plurality of point of sales terminals (not based on sales orders received from a plurality of different and independent retail customers)** and in accordance with the output data indicative of the production quantity from the production size determining unit..."

Also, the prior art does not teach or suggest "manufacturing the production quantity of the products based on the sales information data collected at the plurality of point of sales terminals and in accordance with the output data indicative of the production quantity from the production size determining unit and controlling the manufacturing of the production quantity of the products via the flexible manufacturer controller and **based on and in response to** receiving the transmission of the production quantity determined by the production size determining unit." The production quantity is defined in the claims as being determined based on sales information collected from the point of sales terminals.

In contrast to this element in Applicants' claimed invention, the prior art clearly determines production quantity based on sales orders received from retail customers. Further, the prior art systems clearly do not manufacture the production quantity of goods **based on and in response to** receiving the production quantity, but instead the prior art systems wait until a plurality of different sales orders from various retail customers are received and then the prior art systems determine a production plan when enough sales orders are received, and then manufactures the production quantity based on the production plan.

Even assuming *arguendo* that the prior art references could be combined as proposed by the Examiner, the combination of the prior art references would not render obvious Applicants' claimed invention since this combination of prior art clearly fails to teach or suggest Applicants' claimed steps noted in the previous paragraphs. At most,

such a system resulting from the combination of the three prior art references relied upon by the Examiner would result in finished goods sales orders (not POS data) from retail customers being sent directly and automatically to a manufacturing facility, where the sales orders would be entered into a computer system and that computer system would determine an appropriate raw materials supply and manufacturing schedule based on all of the separate sales orders for retail goods received from various independent retail shops.

Such a combined system still fails to teach or suggest Applicants' claimed combination including a system and method whereby information from point of sales terminals is transmitted to a production quantity determining unit, a production quantity is determined based on the transmitted information from point of sales terminals, and manufacturing the production quantity of the products based on the sales information data collected at the plurality of point of sales terminals and in accordance with the output data indicative of the production quantity from the production size determining unit and controlling the manufacturing of the production quantity of the products via the flexible manufacturer controller and based on and in response to receiving the transmission of the production quantity determined by the production size determining unit."

However, there would have been absolutely no motivation to combine the prior art references as proposed by the Examiner and absolutely no motivation to modify the resulting combination of the three prior art references relied upon by the Examiner to produce Applicants' claimed combination.

The cumulative teaching of each of the three prior art references reinforces the statements above that the prior art clearly teaches that the retail finished goods/products ordering system MUST be kept separate from the raw materials/manufacturing system. As noted above, each of the three prior art references teaches the same, separate system whereby a retail outlet generates sales orders and sends the sales orders to a separate, independent supplier including a manufacturing/raw materials facility.

The consistent criterion for determination of obviousness is whether the prior art

would have suggested to one of ordinary skill in the art that this process should be carried out and would have a reasonable likelihood of success. Rockwell Int'l Corp. v. United States, 147 F.3d 1358, 47 USPQ 2d 1027, 1033 (Fed. Cir. 1998). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. In re Geiger, 815 F.2d 686, 2 USPQ 1276, 1278 (Fed. Cir. 1987).

There is absolutely nothing in the prior art that even remotely suggests that any of the three prior art references should be combined. In fact, the prior art clearly teaches away from the combination of the three prior art references proposed by the Examiner.

Furthermore, the Examiner's contention that the claimed invention is prima facie obvious is not supported by the cited references. The Examiner has failed to establish a prima facie case of obviousness since the references offer no suggestion of the claimed combination. See In re Nielson, 816 F.2d 1567, 2 USPQ 2d 1525, 1528 (Fed. Cir. 1987).

In fact, all three of the prior art references teach away from Applicants' claimed combination since each of these three references teach that a separate system must be maintained and that POS data is to be used to generate sales orders for finished goods/products, and a production quantity and manufacturing should be based on a production plan generated based on finished goods/products sales orders. Thus, the prior art references all teach that a separate two part system must be maintained.

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that the applicant took. In re Gurley, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994). This is clearly the case with the prior art references relied upon by the Examiner in rejecting the claims. Thus, three prior art references discussed herein cannot be relied upon by the Examiner to reject Applicants' claims because It is error to find obviousness where references diverge and teach away from the invention at hand. W.L. Gore & Assoc. v. Garlock Inc., 721 F .2d 1540, 1550, 220 USPQ 330, 311 (Fed. Cir. 1983).

Also, Applicants have pointed out above clear teachings in each of the prior art references that are directly contrary to Applicants' claimed combination and clearly lead one of ordinary skill in the art away from Applicants' claimed combination. It is impermissible within the framework of § 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. In re Ewesslau, 353 F .2d 238, 241, 147 USPQ 391 (CCPA 1965).

Thus, the Examiner cannot ignore the clear failure of the three prior art references to teach the EXACT claimed elements and steps of Applicants' claims, and the clear teaching away from Applicants' claimed combination that is present in EACH of the three prior art references.

The Examiner noted that "Several stores like Wal-Mart or K-Mart receive sales data or inventory data from their respective POS terminals." In other instances, the Examiner has referred to what is done presently. To reach a proper conclusion under Section 103, the decisionmaker must step backward in time and into the shoes worn by that 'person' when the invention was unknown and just before it was made. Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1 USPQ 2d 1593, 1595-96 (Fed. Cir. 1987).

There is clear evidence from the prior art references relied upon by the Examiner and many other sources, that those of ordinary skill in the art, AT THE TIME THAT THE INVENTION WAS MADE, would not have thought to combined the prior art references as proposed by the Examiner. Those of ordinary skill in the art AT THE TIME THE INVENTION WAS MADE (prior to 1990), would not have been motivated to combine POS with FMS as Kanebo, Ltd., that assignee of the present application, did. As clearly described on pages 377, 378, 390 and 391 of the enclosed chapter from the book Strategic Operations: Competing Through Capabilities published by the Harvard Business School, those of ordinary skill in the art had serious concerns and doubts as to whether the POS-FMS system would actually work. These doubts and skepticism were substantial and included the long-held and well known lack of trust and cooperation between the retail sales and forecasting organizations, and the

manufacturing organizations involved in manufacturing and selling retail goods. As noted on pages 390 and 391 of the chapter from the Harvard Business School book, the persons of skill in the art, AT THE TIME THE INVENTION WAS MADE, concluded that the POS-FMS system would "provide more data than the factory can use" and "continual changes in the production schedule will simply cause confusion and inefficiency." Also, other skeptics of POS-FMS concluded that "faster feedback from the retail stores would simply relieve the sales organization of the pressure to develop good forecasts" and that the POS-FMS system "just gives them an excuse to dump their mistakes on the factory more frequently, and expect it to solve their problems for them."

This statement clearly highlights the long existing distrust between the retail sales organizations and the raw materials/manufacturing plants, and the inability to have these two organizations share data and decision-making within a single, integrated system that directly linked the sales data collection and forecasting tasks with the raw materials preparation and product manufacturing tasks.

Despite the skepticism of those of ordinary skill in the art, Kanebo's POS-FMS system did in fact succeed and achieve results that the people of skill in the art did not think were possible and clearly did not expect. For example, as described in the enclosed newspaper article "Direct Linkage With Increased Information Systemization" published on August 18, 1990 in the Nikkei Sangyo Shimbun, the POS-FMS enabled Kanebo, Ltd., to reduce personnel required for manufacturing from 18 to 2 persons. In another newspaper article "Kanebo Directly Links POS with FMS: A System for Cosmetics With Six Times the Productivity" published on July 31, 1990 in Nikkei Sangyo Shimbun, it is described that the POS-FMS enabled Kanebo to increase productivity six-fold, decreased the time required for production increases for popular fast-selling products from one and a half months before implementation of the POS-FMS system to only one week with the POS-FMS system, and decreased on-hand inventory of lipstick units from 200,000 before implementation of the POS-FMS system to only 10,000 units.

In addition, the problems solved by Applicants' claimed invention were not even recognized by the prior art references or by those of skill in the art at the time the invention was made. As described in the present application and the enclosed articles

described above, Kanebo developed the POS-FMS system in response to problems that were unique to its cosmetics business. While the POS-FMS system is applicable to other sales and manufacturing areas other than cosmetics, it was the unique problems in its cosmetics business that led Kanebo to develop the POS-FMS system.

More specifically, as described in the present application, Kanebo's cosmetics business was plagued with problems due to an inability to quickly respond to unexpected changes in sales of "fad" items or items that were subject to the whims of such unpredictable factors as consumers' shifting fashion senses, consumers' awareness of a particular product, differences in seasonal consumer demand, changes in weather, unexpected influence of advertising and pop culture on product's popularity, consumers' reaction to new products or new colors, shades, sizes, etc. of existing products, and activities of competing cosmetic companies. Because of an inability to accurately predict and quickly respond to these highly volatile and unpredictable factors in the marketplace, several problems occurred including large surplus inventories for unpopular products, stock-outs for the most popular products, long lead times to produce more of the most-popular products, the need to take back unsold unpopular products, and susceptibility to problems with labor such as labor shortages for factory jobs. As described in the articles concerning POS-FMS contained herein and discussed above, all of these problems were solved by POS-FMS.

In contrast, the prior art references relied upon by the Examiner did not even recognize or solve any of these problems, nor recognize the necessity or desirability of combining the POS system with the FMS system. Furthermore, the prior art references relied upon by the Examiner, whether applied alone or in combination, completely fails to teach or suggest Applicants' claimed combinations of steps and elements recited in the present claims.

The Examiner may believe that each of the independent steps and elements of Applicants' claimed invention were known in the prior art from various different prior art references, and therefore, any combination of those known steps and elements would have been obvious. However, there are many claimed steps and elements that are not specifically taught or suggested by the prior art as noted above. Furthermore, such a

view of Applicants' claimed invention would be based on an improper standard of obviousness such as an "obvious to try" standard. Whether a particular combination might be obvious to try is not a legitimate test of patentability. In re Geiger, 815 F .2d 868, 888, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987), In re Fine, 837 F .2d 1071, 1075, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988).

Furthermore, it is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion in the prior art to combine the elements. As noted above and in some of the enclosed newspaper articles, those of ordinary skill in the art at the time the invention was made did not believe that Applicants' claimed invention was technically feasible. Evidence that the combination was not viewed as technically feasible must be considered, for conventional wisdom that a combination should not be made is evidence of unobviousness. See Arkie Lures, Inc. v. Gene Larew Tackle, Inc., 119 F.3d 953, 43 USPQ 2d 1294 (Fed. Cir. 1997).

At best, the Examiner's comments regarding obviousness amount to an assertion that one of ordinary skill in the relevant art would have been able to arrive at Applicant's invention because he had the necessary skills to carry out the requisite process steps. This is an inappropriate standard for obviousness. That which is within the capabilities of one skilled in the art is not synonymous with obviousness. See Ex Parte Levengood, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993). The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984). As noted above, the prior art clearly teaches away from the combination proposed by the Examiner, instead of suggesting the combination.

Instead of basing the conclusion of obviousness on actual teachings or suggestions of the prior art and the knowledge of one of ordinary skill in the art at the time the invention was made, the Examiner has improperly used Applicants' own invention as a guide. It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that one cannot use

hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. In re Fritch, 972 F.2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992).

The Examiner's conclusion that it would have been obvious to combine the elements of the POS and retail goods ordering of Kawashima with the manufacturing and raw materials system of Rembert and Beasley reveals that the Examiner clearly has not properly considered Applicants' claimed invention as a whole but instead considered whether individual steps or elements are taught by the prior art and then determined patentability based only on whether the individual steps or elements are taught by the prior art. The statutory standard of §103 is whether the invention, considered as a whole, would have been obvious to one skilled in the art, not whether it would have been obvious to one skilled in the art to try various combinations. N.V. Akzo v. E. I. DuPont de Nemours & Co., 810 F .2d 1148, 1 USPQ 2d 1704, 1707 (Fed. Cir. 1987).

The PTO has the burden under 35 U.S.C. §103 to establish a prima facie case of obviousness. See In re Piasecki, 745 F .2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. See In re Fine, 837 F .2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1984). This it has not done. The Examiner failed to cite prior art that remedies the deficiencies of Kawashima, Rembert and Beasley or that suggests the obviousness of modifying Kawashima, Rembert and Beasley to achieve Applicant's claimed invention.

Instead, the Examiner improperly relied upon hindsight reconstruction of the claimed invention in reaching his obviousness determination. To imbue one of ordinary skill in the art with knowledge of the invention, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. W.L. Gore & Assoc. v. Garlock, Inc., 721 F .2d 1540, 1543, 220 USPQ 303, 312-13 (Fed. Cir. 1983).

Prior art rejections must be based on evidence. Graham v. John Deere Co., 383 U.S. 117 (1966). Pursuant to MPEP 706.02(a), the Examiner is hereby requested to cite a reference in support of his position that it was well known at the time of applicants' invention to perform the combination of steps noted above. If the rejection is based on facts within the personal knowledge of the Examiner, the data should be supported as specifically as possible and the rejection must be supported by an affidavit from the Examiner, which would be subject to contradiction or explanation by affidavit of Applicants or other persons. See 37 C.F.R. §1.107(b).

In view of the foregoing Remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are respectfully solicited.

To the extent necessary, Applicants petition the Commissioner for a Three-month extension of time, extending to November 16, 2001, the period for response to the Office Action dated July 16, 2001. A credit card authorization form is enclosed for payment of the fee for the three month extension of time.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: November 8, 2001

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